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1 RHEUBAN & GRESEN and Solomon E. Gresen, Esq. The Defendants Burbank
2 Police Department and the City of Burbank (collectively, the "Defendants") were
3 represented by MITCHELL SILBERBERG & KNUPP, LLP and Lawrence A.
4 Michaels, Esq.

6 **II. Legal History**

7 The Plaintiffs, two current police officers of the Burbank Police Department,
8 filed a Complaint on May 28, 2009. The Complaint alleged that over a period of
9 years the Plaintiffs were discriminated against, variously, based on their race, sex,
10 pregnancy and/or ethnicity. The Complaint also alleged that the Plaintiff's were
11 retaliated against for opposing such alleged discrimination and harassment. The
12 Plaintiff's assert that they suffered adverse employment decisions including:
13 imposition of discipline, demotion, failure to obtain promotions, and failure to
14 obtain specific work assignments. The Defendants deny all allegations.

15 On October 2, 2009, in Department 37, the Honorable Judge Joanne B.
16 O'Donnell, Judge of the Superior Court, appointed Diane Wayne, Judge (Ret.), as
17 the Discovery Referee pursuant to *Civil Code of Procedure* §§ 639(a)(5), 640 and
18 645.1. All discovery disputes have been assigned to the Discovery Referee.

20 **III. Recommendation:**

21 At the hearing, the following Motions were considered:

23 **1. The Plaintiffs' Pitchess Motion For Peace Officer Records And** 24 **Information -- As It Applies To Plaintiff Steve Karagiosian Only**

25 This Motion seeks an order compelling the Defendants to produce
26 documents responsive to nineteen enumerated categories, not including sub-parts,
27 related to the Plaintiffs and other peace officers as well as various investigations
28 and complaints. After a meet and confer the following documents shall be
produced:

1 At the *in camera* hearing, the Defendants produced a number of documents
2 requested by Plaintiff Karagiosian (the "Documents"), including a redacted version
3 of his personnel file.

4 The Defendants have agreed to produce the following documents without
5 redactions: Karagiosian Human Resources File, Karagiosian Personnel File,
6 Karagiosian Training Records and Karagiosian Comment Cards.


7 Karagiosian Police Department File has some redactions but an *in camera*
8 review determined that they are not discoverable.

9 The Irma Rodriguez Memo will be produced with redactions that reflect an
10 attorney/client communication. Some of the document will be produced pursuant
11 to a protective order.

12 After an *in camera* review the Sergio Bent Report shall be produced with
13 some redactions that are not discoverable. However Defendants are order to
14 remove the redactions to Page 6 Paragraph 2; page 9 Paragraphs 5, 7 and 8; Page
15 35 Paragraph 2.

16
17 **IT IS SO RECOMMENDED.**

18
19 Date: June 20, 2011


Hon. Diane Wayne (Ret.)
Discovery Referee

22 **ORDER**

23 All matters set forth in the above report of Referee having been considered; the
24 Court hereby approves and adopts said Report as the decision of the court,
25 including the findings and recommendations therein.

26
27
28 Date: June ___, 2011

Hon. Joanne B. O'Donnell,
Judge

PROOF OF SERVICE BY FACSIMILE & U.S. MAIL

Re: Rodriguez, Omar, et al. vs. Burbank Police Department, et al.
Reference No. 1220040470

I, Christina Dobszewicz, not a party to the within action, hereby declare that on June 21, 2011 I served the attached 10th REPORT & RECOMMENDATION OF THE DISCOVERY REFEREE on the parties in the within action by facsimile and depositing true copies thereof enclosed in sealed envelopes with postage thereon fully prepaid, in the United States Mail, at Los Angeles, CALIFORNIA, addressed as follows:

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I declare under penalty of perjury the foregoing to be true and correct. Executed at Los Angeles,
CALIFORNIA on June 21, 2011.


Christina Dobszewicz